THE HON'BLE Ms. JUSTICE G. ROHINI

WRIT PETITION NO.11862 OF 1999

DATED: 24-04-2007

Between :

1. Eadara Rama Rao and 40 others. .. Petitioners

And

1. The Sarpanch, Gram Panchayat, Moyyeru (V), Ganapavaram Mandal, W.G. District.
2. The Mandal Revenue Officer, Ganapavaram Mandal, Ganapavaram, W.G. District.
3. The District Collector, West Godavari District, Eluru.

(Dismissed for default against R-1 as per Court order dated 7-3-2003)

.. Respondents

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WRIT PETITION NO.11862 OF 1999

ORDER :

This writ petition is filed with the following prayer :

"… …. may be pleased to issue any writ, order or direction more particularly one in the nature of Writ of Mandamus declaring the proposed action of the respondents 2 and 3 in attempting from 11-6-1999 to convert the Chintalgunta Cheruvu in RS.No.200 in an extent of Ac.2-60 cents of Moyyeru Village of Ganapavaram Mandal, W.G.District in to house sites for assignment, as illegal, high-handed, violative of principles of natural justice, mala fide, against Sec.80 and 58 of the Panchayat Raj Act, 1994 and without jurisdiction and consequently to direct the respondents not to convert the said tank into house sites for assignment or to any other purpose and to keep the said tank as it is or to pass any other as this Hon'ble Court deem fit and proper."

The petitioners, 41 in number, alleged that the respondents 2 and 3 had attempted to assign the land in question for a public purpose by converting the said land into house-sites. It is contended that since the land in question is a tank-bund the same cannot be assigned for the purpose of house-sites.

This Court while directing Rule Nisi, passed an interim order dated 16-6-1999 in WPMP.No.14489 of 1999 as under :

"The respondents shall not either convert the Chintalgunta Cheruvu in RS.No.200 of Moyyeru Village into house-sites or stop the flow in the tank until further orders. Notice."

The said order continued to be in operation throughout and no counter-affidavit has been filed by any of the respondents so far.

Having regard to the facts and circumstances of the case and in the absence of any counter-affidavit by the respondents, I deem it appropriate to dispose of the Writ Petition with a direction to the respondents not to interfere with the land in question either for the purpose of assignment or in any other manner whatsoever without following due process of law. No costs.

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G. ROHINI, J.

Dt.24–04-2007
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